

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P. No. 5872 OF 2001

Dated : February 22, 2006

Between:

Smt. Radhabai Shinde

Petitioner

AND

The Management of William Moon High School,

Tandur, Rangareddy District,

Rep. by its Correspondent and two others.

Respondents

THE HONOURABLE SRI JUSTICE N.V. RAMANA

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W.P. No. 5872 OF 2001

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ORAL ORDER:

Seeking a writ of mandamus to direct the first respondent to settle pension and pensionary benefits in terms of directions given by this court in W.P. No. 29932 of 1995 dated 24.4.1996 for unaided period from 1.6.1957 to 30.6.1977 amounting to Rs.1,55,274/- along with accrued interest thereon, the petitioner filed this writ petition.

The husband of the petitioner, Mr. Shivaji Shinde, worked as Grade – I Hindi Pandit in the first respondent school for the period from 1.6.1957 and took voluntary retirement on 30.9.1993 and since the retirement benefits were not settled, he filed WP No. 29932 of 1995 which was disposed of by this court on 24.4.1996 in terms of the judgment in Writ Appeal No. 350 of 1994 dated 21.3.1996, directing as under:

“...Accordingly, I direct the third respondent to pay the pension and other benefits for the period before the institution was taken in grant-in-aid and that the Government to pay the benefits for the period from 1.7.1977 to 13.9.1993 i.e. after the institution was taken in grant-in-aid. The writ petition is accordingly disposed of.

However, it is stated that the petitioner is blind person and he has retired as long back as on 13.9.1993 and that he has not been paid any pension and other benefits. In the circumstances, the respondents shall finalise and pay the pension and other benefits within a period of three months from the date of receipt of a copy of this order...”

In pursuance of the said directions, the third respondent issued GO Rt. No. 1203 dated 11.8.1997 relaxing the Rules in favour of the husband of the petitioner inasmuch as the services rendered by him were in the unaided post. But the first respondent Management has not complied with the orders.

The counter filed by the respondents, reiterates the stand that the benefits to which the deceased employee was entitled to for the services rendered in the aided post were settled by the Government issuing GO Rt. No. 1203 dated 11.8.1997, but the prayer of the petitioner to relax the pensionary benefits for unaided service, is not the concern of the respondents 2 and 3 and it is for the first respondent management to settle the same.

The counter filed by the respondent 3 dates back to September, 2002, but the first respondent Management did not chose to file any counter.

Therefore, having regard to the submissions made on behalf of the petitioner and the order made in W.P. No. 29932 of 1995 which is rendered based on the findings in Writ Appeal No. 350 of 1994 dated 21.3.1996 and deeming that there is no defence for the first respondent Management, as no counter is filed, I deem it appropriate to direct the first respondent Management to settle and pay the pensionary benefits for the period for which the husband of the petitioner worked in unaided period prior to the period the institution was taken to grant-in-aid. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

N.V.RAMANA, J.

February 22, 2006

MAS